

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 RODERICK WISE, an individual,  
5 Plaintiff,

6 v.

7 SOUTHERN TIER EXPRESS, INC., a New  
8 York corporation; DOES I through X; and  
9 ROE CORPORATIONS I through X,  
inclusive,

10 Defendants.

Case No. 2:15-cv-01219-APG-PAL

**ORDER DENYING MOTION IN  
LIMINE NO. 3 ("ATTORNEY-DRIVEN OR  
MEDICAL-BUILDUP CASE")**

(ECF No. 81)

11 Plaintiff Roderick Wise moves to exclude testimony, evidence, and references to this case  
12 being an "attorney-driven or medical-buildup case." ECF No. 81. The defendant responds it must  
13 be permitted to argue that the facts of this incident and subsequent treatment do not justify the  
14 large damage award Wise seeks. ECF No. 99.

15 I deny Wise's motion without prejudice to object to particular arguments at trial. The  
16 defendant may make arguments to the jury so long as those arguments are supported by the  
17 evidence elicited at trial. *See Alexander v. Wal-Mart Stores, Inc.*, No. 2:11-CV-00752-JCM-PAL,  
18 2013 WL 427132, at \*6 (D. Nev. Feb. 1, 2013).

19 Therefore, Wise's motion in limine (ECF No. 81) is **DENIED**.

20 DATED this 10th day of July, 2017.



21 ANDREW P. GORDON  
22 UNITED STATES DISTRICT JUDGE  
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